

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

V.

2K GAMES, INC., et al.,

Defendants.

CASE NO. 1:17-cv-02635-CAB

JUDGE CHRISTOPHER A. BOYKO

**NOTICE OF DEPOSITION OF JAMES MALACKOWSKI**

**PLEASE TAKE NOTICE** that, pursuant to the Federal Rules of Civil Procedure 26 and 30, Plaintiff James Hayden (“Hayden” or “Plaintiff”), will take the deposition of James Malackowski upon oral examination, by and through undersigned counsel.

The deposition will commence on August 12, 2021 at 10:00 a.m. Eastern Standard Time via remote video, or at such other time and place as may be agreed by counsel. This deposition will be conducted via a secure, web-based platform wherein the court reporter will also be remote for the purposes of reporting the proceeding and administering oaths. The deposition will be before a Notary Public or other officer authorized by law to administer oaths and will be recorded using video, audio, stenographic means, or a combination of those means.

Please contact the noticing attorney at least five (5) calendar days prior to the deposition so that the necessary credentials, call-in numbers, testing and information, if necessary, can be provided to you prior to the proceedings. In addition, we also reserve the right to utilize instant visual display technology.

The deposition will be taken for the purposes of discovery, for use at any evidentiary hearing in this litigation, and for any other purposes permitted under the Federal Rules of Civil Procedure, or any applicable local rule or court order.

To the extent the deponent will rely on documents or information not yet produced in this litigation, Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. are further directed to produce those documents or that information as soon as it is available, and no less than ten calendar days prior to the date for the expected testimony.

Respectfully submitted,

Dated: July 20, 2021

By: /s/ Andrew Alexander  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2021, a copy of the foregoing was served via email on counsel of record.

/s/ Andrew Alexander

One of the attorneys for Plaintiff